

**MINUTES OF THE CITY PLANNING COMMISSION
J. MARTIN GRIESEL CONFERENCE ROOM**

**EMERGENCY MEETING
September 26, 2001
12:00 PM**

Present: Appointed members: Donald Mooney, Peter Witte; City Council Representative: Jim Tarbell; Administration: Deputy City Manager Richard Mendes; City Planning Staff: Elizabeth A. Blume, Director, and Steven Kurtz, Administrator, Land Use Management

The meeting was called to order by City Planning Commission (CPC) Chairman Donald Mooney.

PROPOSAL TO ESTABLISH AN EMERGENCY INTERIM DEVELOPMENT CONTROL (IDC) DISTRICT IN THE VICINITY OF THE SEMINARY RIDGE SUBDIVISION (GRANDVIEW SITE) IN EAST PRICE HILL

Action requested: Approve the designation of a 90-day Interim Development Control (IDC) district in the vicinity of the Seminary Ridge subdivision.

A report concerning the land use and zoning in the vicinity of Considine Avenue, Seminary Avenue and Grand Avenue was presented to the Commission on September 21, 2001. Following a review of the report, public testimony, and general discussion, the Chairman requested that staff prepare a report for the October 5, 2001 meeting, which would serve as documentation toward the establishment of an IDC District.

City Planning Director Liz Blume discussed the report, stating the proposed IDC boundary is consistent with the boundary proposed for the Seminary Square plan. She described the Considine Avenue area of Price Hill as an area of small lots, with many single-family homes built prior to implementation of the 1963 Zoning Code, which requires 5000 square foot lots for single-family development.

OPPONENTS

Ken Kreider and Dick Rust, counsel for CMHA, requested that the record reflect that adequate notice for this emergency meeting was given, and that a quorum of the City Planning Commission is present. They questioned whether imposing an IDC upon a property whose owner is already moving through the process under existing zoning requirements is appropriate. Further, they believe the intent of the proposed IDC may be to impose a single-family, small-lot scheme in the area; however, existing use patterns include both multi-family and commercial uses (particularly along Warsaw Avenue) that are not addressed in the IDC guidelines. It appears that the IDC would permit ONLY single-family, detached housing. Such restriction flies

in the face of existing land use patterns and denies CMHA the lawful, legal use of its seven-acre parcel to provide assisted housing in the neighborhood (the property use prior to demolition of the buildings). The Planning Commission should be aware of a recent case argued before the Sixth Circuit Court of Appeals. *Buckeye Community Hope Foundation vs. City of Cuyahoga Falls* was a situation where planning commission approval of low-income housing consistent with zoning was reversed after the City implemented new, referendum-directed zoning regulations. The Court held that the new zoning violated the equal protection and due process clauses of the Fourteenth Amendment because the motivation appeared to stymie efforts to develop low-income housing. As a result of a federal court ruling stemming from the demolition of 144 units of assisted low income housing and HUD restrictions placed upon the property, any CMHA redevelopment MUST include as many units of public housing as is feasible. If this property is not developed as outlined in the settlement of the federal litigation, then an alternate site must be found that is desirable to all parties, including development of 25 public housing units at scattered sites within the Price Hill community.

Mr. Kreider and Mr. Rust suggested that another alternative be considered, rather than implementation of an IDC.

PROPONENTS

Frank Hollister, 583 Purcell Avenue, president of the East Price Hill Improvement Association, stated the community desires that all new residential construction be single-family homes. Mr. Hollister quoted Don Troendle, Executive Director of CMHA, as saying, "HUD might relieve its restrictions, provided an alternative can be found", but that was not CMHA's choice at that time. He urged that some follow-up occur, to determine if an alternative site for CMHA's project could be identified.

Ms. Melissa Wegman, 547 Wilsonia Drive, believes the proposal for more low-income housing will oversaturate the existing business and residential community, and will lead to its demise. She suggested taking this development outside the community *and* the City, into Hamilton County.

During dialogue among Planning staff, Ely Ryder of the City Solicitor's Office, and Commission members, the following points were discussed:

- IDC guidelines are merely *guidelines* that can be adapted and modified.
- The IDC would make the CPC (rather than Buildings & Inspections) the reviewing authority for new construction permits.
- CMHA may return to the CPC with plans for single-family detached houses on lots less than 3000 square feet.
- Staff is currently developing guidelines to ensure that a majority of lots conform to the new zoning code. The intent of the small-lot, single-family zone is to make development consistent with the existing development

patterns in the neighborhood and to put single-family detached houses on small lots.

- Interim development control districts can be more restrictive in certain aspects than the current zoning but cannot liberalize current zoning restrictions. A 5000 square foot lot would meet current zoning and permit a substantial number of units to be developed.
- CMHA may come back with a Planned Unit Development (PUD) recommendation for CPC.

Motion: Mr. Witte moved that the CPC approve the designation of an Interim Development Control district for a period of 90 days and advise City Council to establish an IDC district in the vicinity of the Seminary Ridge subdivision.

Second: Mr. Tarbell

Vote: Motion was unanimously approved (4-0).

ADJOURNMENT

There being no further business to consider, the meeting was adjourned.

Elizabeth A. Blume, Director
City Planning Department

Donald J. Mooney, Chairman
City Planning Commission

Date: _____

Date: _____